

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in the present application. Claims 1, 3, 7, 9, 13, 15 and 19 are amended by the present amendment. Amended Claims 1, 3, 7, 9, 13, 15 and 19 are deemed to be self-evident from the original disclosure including page 11, line 34 to page 13, line 33 of the specification, and Figure 1, for example. No new matter is added.

In the outstanding Office Action, Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kawakami et al. (U.S. Publication No. 2003/0156569, herein "Kawakami") in view of Thornberg et al. (WO 97/16039, herein "Thornberg").

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that the amendments to Claims 1, 7, 13 and 19 enclosed herein overcome the rejection under 35 U.S.C. § 112, second paragraph, and respectfully requests its withdrawal. It is believed that all pending claims are definite and no further rejection on that basis is anticipated.

In response to the rejection of Claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over Kawakami and Thornberg, Applicant respectfully traverses the rejection as discussed next.

Applicant respectfully submits that Kawakami and Thornberg, neither individually nor in any combination thereof, support a *prima facie* case of obviousness of the invention recited in Claim 1. This is so because, even when combined, these references do not teach or suggest ***all*** the claimed features.

Amended Claim 1 is directed to a radio terminal device that includes, among other things, the following features:

“... a time counter configured to read current time; and
a timeout control unit configured to store a timeout interval for each connection and a timeout timing for each connection, to update the timeout timing with a new timeout timing with respect to each connection when a received packet is not a last packet, the new timeout timing being calculated by adding the timeout interval to the current time read by the time counter, and to carry out a timeout control in which a packet that is not received completely through one connection by the time the current time reaches the timeout timing with respect to the one connection is regarded as lost”

Briefly, in a non-limiting example, a timeout interval (e.g. a, b, c, d) for each connection is stored in a timeout interval memory unit 16 of a timeout control unit.¹ The timeout control unit updates a timeout timing stored in a timeout timing memory unit 18 with a new timeout timing with respect to each connection when a received packet is not a last packet, the new timeout timing being calculated by adding the timeout interval read from the memory unit 16 to current time read by a time counter unit 20. Further, if a packet is not received completely by the time the timeout timing is reached, namely current time indicated by the time counter unit 20 reaches the timeout timing (e.g. “current time = timeout timing”), it is determined that a packet has been lost, and a timeout process is executed.

By providing such a timeout control unit, it is possible to efficiently determine whether a packet has been lost or not by simply checking the “current time = timeout timing.” As a result, it is possible to realize a more flexible timeout control.²

Kawakami describes a mobile communication system.³ However, Applicant respectfully asserts that Kawakami does not teach or suggest, and the Office Action explicitly

¹ See also Figure 2.

² See the specification at page 13, line 34 to page 14, line 15, for example.

³ See Kawakami, paragraph [0042], and Figure 1.

acknowledges that Kawakami does not teach or suggest, however, the claimed “timeout control unit” as recited in Claim 1.⁴

The Office Action then cites Thornberg as disclosing a “timeout control unit” in an attempt to remedy the deficiencies of Kawakami by stating that a “timer” and “Acknowledgement” features of Thornberg correspond to the claimed “timeout control unit.”⁵ However, Applicant respectfully submits that Thornberg does not remedy Kawakami’s lack of teaching or disclosure related to the claimed “timeout control unit,” for the following reasons.

For example, in Thornberg, it is determined that a packet has been lost if the “timer” expires before the “Acknowledgement” is received.⁶ In contrast, the claimed “timeout control unit” determines that a packet has been lost when the packet is not received completely by the time the current time read by the time counter reaches the timeout timing. In other words, if the “current time = timeout timing” is reached, and the packet is not received completely, it is determined that a packet is lost. Nowhere in Thornberg is a disclosure or suggestion of such checking of whether the current time has reached the timeout timing to determine whether a packet is lost or not.

Further, the claimed “timeout control unit” updates a timeout timing with a new timeout timing with respect to each connection when a received packet is not a last packet, the new timeout timing being calculated by adding a time interval to current time read by a time counter. However, nowhere in Thornberg is a disclosure or suggestion of such updating of a timeout timing.

⁴ See also paragraph 6, of the Office Action of June 29, 2004.

⁵ See page 4, lines 2-11, of the Office Action of June 29, 2004.

⁶ See Thornberg, page 8, lines 29-31, and page 10, lines 1-3, for example.

Accordingly, Thornberg fails to disclose or suggest the claimed "timeout control unit" as recited in amended Claim 1. Other independent Claims 7, 13 and 19 include substantially similar features, and thus the same arguments set forth above apply to those claims as well.

Therefore, Kawakami and Thornberg, neither individually nor in any combination thereof, make obvious the invention recited in Claims 1, 7, 13 and 19. In addition, Claims 2-6, 8-12 and 14-18 should be allowed, among other reasons, as depending from Claims 1, 7 and 13, which should be allowed as just explained. For the foregoing remarks, Applicant respectfully requests the withdrawal of the rejection of Claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over Kawakami and Thornberg.

Consequently, in light of the above discussion, and in view of the present amendment, Applicant respectfully submits that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

EHK/GS:mda

ATTY_FROM_PACIFIC\GS\21S\214130\AME_FAXED.DOC